

CHILD SUPPORT

Purpose: This section provides information and instructions on the assignment of support rights to the State. It includes the requirement to cooperate with the Division of Child Support (DCS) as a condition of eligibility for TANF, SFA, GA-H and Medicaid for children.

WAC 388-422-0005 Assignment of support rights.

- (1) To receive cash assistance under TANF, SFA, or GA-H, each client must assign to the state of Washington all rights to support for each person for whom the client is applying. This includes the rights to any support which has accrued before assignment is made. If a client fails to assign support rights for each person for whom assistance is requested, then cash assistance will be denied to the entire assistance unit.
- (2) To receive medical assistance, each client must assign to the state of Washington all rights to medical support for each person for whom the client is applying. This includes the rights to any medical support which has accrued before assignment is made.
- (3) Assignment is made when a client signs the application or accepts the cash or medical assistance.
- (4) After assignment is made, a client must send any direct support they receive to the division of child support (DCS).

WAC 388-422-0010 Cooperation with division of child support.

- (1) When applying for or receiving TANF, SFA, GA-H, or Medicaid, the following individuals must cooperate with the DCS in establishing paternity and collecting support as specified in WAC 388-14-201:
 - (a) All persons for whom benefits are applied for or received; and
 - (b) The caretaker relative or court-appointed guardian of a child for whom benefits are applied for or received.

- (2) For TANF and SFA, if a caretaker relative fails to cooperate with DCS without good cause according to WAC 388-422-0020, the cash grant paid to the assistance unit will be reduced by twenty-five percent of what they would otherwise have received.
- (3) For Medicaid, if a caretaker relative fails to cooperate with DCS without good cause according to WAC 388-422-0020, that individual will be denied medical assistance unless they are pregnant.
- (4) Cooperation is determined by DCS.

CLARIFYING INFORMATIONAssignment

- 1. For TANF, SFA and GA-H eligibility, a client assigns all rights to support, including child support, child care, and spousal maintenance.
- 2. For medical assistance, a client is required to assign all right, title and interest to any medical care support from an absent parent, including health insurance coverage and health care costs stated as a fixed dollar amount in a support order.
- 3. When a client applies for nongrant medical assistance only, the client is not required to assign child support rights to the department.
- 4. If a client retains support payments received after assignment is made, a debt is incurred with DCS.
- 5. Support payments received by the client prior to assignment are treated as unearned income.

Cooperation

- 1. Both parents in a two-parent household must help DCS establish paternity for each child in the assistance unit.
- 2. When good cause has been claimed and the department's decision is pending, the caretaker relative is not required to cooperate with DCS.

3. Cooperation with DCS includes completing absent parent referral forms.

WORKER RESPONSIBILITIES

1. Explain to the client that they have assigned their support rights by signing the application.
2. For unmarried, two-parent TANF applicants where the father is not named on the child's birth certificate, give the mother and alleged father the pamphlet titled, "Moms, Dads & Paternity Establishment -- Kids Need All Three", DSHS 22-586(X). Encourage them to sign a notarized Paternity Affidavit, DOH 110-001 in the CSO. If the parents choose not to sign the Paternity Affidavit, explain to them that the father will be referred to DCS for paternity establishment and they both will be required to cooperate with DCS unless good cause exists.
3. For TANF, SFA, GA-H, and TANF-related medical-only applications, give the caretaker relative/legal guardian an absent parent or paternity establishment referral packet to complete for each absent parent or alleged father. Each referral packet should contain:
 - a. DSHS 14-377(X), Public Assistance Grant Assignment Information (substitute the DSHS 14-378(X), Medical Assistance Only Assignment Information, for nongrant medical-only applicants),
 - b. DSHS 14-119(X), Public Assistance Assignment,
 - c. DSHS 18-344(X), How You Must Help with Support Collection,
 - d. DSHS 14-057(X), Child Support Enforcement Referral (substitute the DSHS 14-057C(X), Support Enforcement Referral - Paternity Only, for unmarried two-parent households.
4. Using the DSHS 14-057A(X), OSE Referral Report, send the completed referral packet to DCS within two days of authorizing assistance. If good cause is claimed by the client, be sure to note "good cause pending" on the DSHS 14-057A(X).
5. If a client receives a support payment from any party other than DCS after assignment is completed, notify DCS. Support payments received by the client prior to assignment are treated as unearned income.

WAC 388-422-0020 Good cause for not cooperating with the division of child support.

- (1) An individual described under WAC 388-422-0010 is not required to cooperate with DCS if the department finds that cooperation is against the best interest of the child for whom child support is sought. A client has the right to claim good cause for refusing to cooperate and the department must determine if the claim is valid.
- (1) Cooperation is against the best interest of the child and cash assistance can be continued when:
 - (a) The individual's cooperation can reasonably be anticipated to result in serious physical or emotional harm to:
 - (i) The child; or
 - (i) The caretaker relative, if it reduces the caretaker relative's capacity to adequately care for the child; or
 - (a) Establishing paternity or securing support would be harmful to the child who:
 - (i) Was conceived as a result of incest or forcible rape; or
 - (i) Is the subject of legal adoption proceedings pending before a superior court; or
 - (ii) Is the subject of ongoing discussions between the parent and a public or licensed child placement agency to decide whether the parent will keep the child or put the child up for adoption. The discussions cannot have gone on for more than three months.
- (2) When cash assistance cannot be continued because a client's claim of good cause does not meet the standard in subsection (2) of this section, medical assistance may be able to be continued. The standard for good cause for medical assistance is broader in that good cause can be based solely on the best interests of the:

- (a) Child as in subsection (2) of this section; or
- (b) Person who is being asked to cooperate.
- (3) A client has twenty days from the date good cause is claimed to provide information and evidence to support the claim, unless it cannot be obtained within such time.
- (4) A client has the right to:
 - (a) Be informed of their right to claim good cause for refusing to cooperate;
 - (b) Receive a determination of their good cause claim within thirty days of the date the claim is made, as long as the necessary information and evidence was provided to the department within twenty days;
 - (c) Receive assistance without delay while their good cause claim is pending a determination, if they have provided supportive evidence and information;
 - (d) Receive information on their right to ask for a fair hearing if the department denies the claim of good cause; and
- (5) Approved good cause claims will be reviewed at least every six months to determine if good cause continues to exist.

WORKER RESPONSIBILITIES

When good cause is claimed, refer to the Social Services Manual, Chapter 49, Absent Parent Risk Assessment, for instructions on how to determine if good cause exists.

WAC 388-422-0030 Child support in excess of the TANF grant payment.

A TANF recipient is ineligible when current child support collected by the division of child support exceeds the TANF grant payment for two-consecutive months.

CLARIFYING INFORMATION

Beginning July 1, 2000, GA-H is paid with TANF funds. DCS now keeps child support received for GA-H children. Because DCS no longer forwards this income to the guardian, we do not budget the child support.

WORKER RESPONSIBILITIES

Terminate a TANF or GA-H grant after the second consecutive month that child support collections exceed the grant payment amount.